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7 Attorney for DEDRICK BLOUNT

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES OF AMERICA,) No. 2:21-CR-0035JAM

11 Plaintiff,)

12 v.)

) STIPULATION TO CONTINUE STATUS
) CONFERENCE AND EXCLUDABLE TIME;
) PERIODS UNDER SPEEDY TRIAL ACT;
) FINDINGS AND ORDER

14 DEDRICK BLOUNT, and)

15 FRANK HOWARD GOWANS, Jr.)

16 Defendant.)

) Date: November 16, 2021
) Time: 9:30 a.m
) Judge: Hon. John A. Mendez

17
18 STIPULATION

19 By previous order, this matter was set a status conference on October 19, 2021. By
20 this stipulation, the parties request to continue the status conference on October 19, 2021,
21 to November 16, 2021, and to exclude time between October 19, 2021 and November 16,
22 2021, under Local Code T4.

- 23
- 24 1. The parties first acknowledge the extraordinary global events since March 2020
25 and the General Orders issued by the Chief Judge of this District in response to
26 those events. A series of General Orders issued by the Chief United States District
27 Judge for the Eastern District of California address the pandemic, including
28

1 General Orders 612, 617, 618, 624, 628, 630, 631, 632 and 635. These general
2 orders have resulted in restrictions to public access to federal courthouses in the
3 Eastern District of California for most of the period since March 18, 2020. General
4 Order 631 provided each district judge discretion to hold hearing in person or via
5 remote conferencing beginning on June 14, 2021.
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8 2. The parties agree and stipulate, and request that the Court find the following:

- 9 a. The government has provided approximately 1300 pages of discovery
10 associated with this case, which includes reports, photographs and other
11 documents, as well as multiple recordings. All of this discovery has been
12 either produced directly to counsel and / or made available for inspection
13 and copying.
14
15 b. The Indictment in this case was returned on February 11, 2021 (ECF 1.)
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17 c. Defendant Frank Gowens was arraigned on March 5, 2021 (ECF 11) and
18 Defendant Dedric Blount was arraigned on April 15, 2021 (ECF 27.)
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20 d. The government and defense counsel have engaged in ongoing plea
21 negotiations.
22
23 e. Counsel for the defendants desire additional time to finish review of the
24 discovery, investigation, consultation with their clients, and finish
25 negotiating a possible resolution. All parties believe a resolution is possible
26 and are working towards that.
27
28 f. Counsel for defendant believes that failure to grant the above-requested
continuance would deny counsel the reasonable time necessary for effective

preparation, taking into account the exercise of due diligence.

g. The government does not object to the continuance.

h. Based upon the above-stated facts, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

i. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 19, 2021 to November 16, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), Local Code T4, because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provision of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 14, 2021

Respectfully submitted,

PHILLIP A. TALBERT
Acting United States Attorney

/s/ JASON HITT
JASON HITT
Assistant United States Attorney

1
2 Dated: October 14, 2021

/s/ KELLY BABINEAU
KELLY BABINEAU
Attorney for DEDRICK BLOUNT

5 Dated: October 14, 2021

/s/ DAVID FISCHER
DAVID FISCHER
Attorney for FRANK GOWENS

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9
10 **FINDINGS AND ORDER**

11 IT IS SO FOUND AND ORDERED this 14th day of October, 2021.

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13
14 /s/ John A. Mendez
15 THE HONORABLE JOHN A. MENDEZ
16 UNITED STATES DISTRICT COURT JUDGE
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